

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

Valuation of Security Assumption of Executory Contract or Unexpired Lease Lien Avoidance

Last revised: August 1, 2020

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re: Case No.: 21-14452
Joanne C. Fillius Judge: JNP

Debtor(s)

Chapter 13 Plan and Motions

☐ Original ☒ Modified/Notice Required Date: 10/26/2021
☒ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: /S/REN Initial Debtor: /S/ JCF Initial Co-Debtor: _____

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 322.00 per month to the Chapter 13 Trustee, starting on November 01, 2021 for approximately 55 out of 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 4250.00
DOMESTIC SUPPORT OBLIGATION		NONE
INTERNAL REVENUE SERVICE	PRIORITY FEDERAL TAXES	BALANCE DUE: \$4,640.00

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Midland Mortgage a division of Midfirst Bank	mortgage on the property located at 81 Greenwood Dr., Turnersville, NJ 08012-2156	\$8,648.43 (forebearance amount for 4 months) 3@ \$2,162.44 1@\$2,161.11		\$8,648.43	continue to pay regular monthly payments pursuant to note, mortgage and notices of payment change

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☐ **NONE**

The following secured claims are unaffected by the Plan:

Midland Mortgage Company 1st mortgage.

g. Secured Claims to be Paid in Full Through the Plan: ☒ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ **NONE**

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ _____ to be distributed *pro rata*
- ☐ Not less than _____ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all affected lienholders, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal*, and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☐ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Little House Candles DC-007280-99 DJ-061240-01	real and personal property	Judgment	\$3,933.43	\$400,000	\$154,600	\$279,273	\$3,933.43

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Ronald E. Norman, Esquire
- 3) Priority Federal Taxes
- 4) Secured Mortgage Arrears from Forbearance Agreement, and unsecured

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 5/27/2021.

Explain below **why** the plan is being modified:

added the Internal Revenue Service to secured priority claim to be paid within the plan and added Midland Mortgage Company to number 4 section a for secured forbearance mortgage arrears to be paid within plan.

Explain below **how** the plan is being modified:

added the Internal Revenue Service to secured priority claim to be paid within the plan and added Midland Mortgage Company to number 4 section a for secured forbearance mortgage arrears to be paid within plan.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: 10/26/2021

/s/ Joanne C. Fillius
Debtor

Date: _____

Joint Debtor

Date: 10/26/2021

/s/ Ronald E. Norman
Attorney for Debtor(s)

In re:
Joanne C. Fillius
Debtor

Case No. 21-14452-JNP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1
Date Rcvd: Nov 03, 2021

User: admin
Form ID: pdf901

Page 1 of 3
Total Noticed: 40

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 05, 2021:

Recip ID	Recipient Name and Address
db	Joanne C. Fillius, 81 Greenwood Dr, Turnersville, NJ 08012-2156
519224705	+ Community Surgical Supply, 163 Route 37 W, Toms River, NJ 08755-8087
519224709	Invesque Glassboro OPCO LP, 3152 Glassboro Cross Keys Rd, Glassboro, NJ 08028-2723
519224710	Little House Candles, 20 Province Line Rd, New Egypt, NJ 08533-1008
519251754	+ MidFirst Bank, 999 NorthWest Grand Boulevard, Oklahoma City, OK 73118-6051
519224711	Midland Mortgage Co, Attn: Customer Service/Bankruptcy, PO Box 26648, Oklahoma City, OK 73126-0648
519224712	Midland Mtg/Midfirst, PO Box 268959, Oklahoma City, OK 73126-8959
519224713	Midnight Velvet, 112 W 7th St Box 2816, Monroe, WI 53566-1099
519224714	+ Motor Vehicle Commission, 225 East State Street, Trenton, NJ 08666-0001
519266847	+ NJSVS Surcharge Violation System Office, Attn NJSVS Bankruptcy Unit, PO Box 136, Trenton, NJ 08601-0136
519224717	NOVA AN Professionals, 1501 Mount Pleasant Rd, Villanova, PA 19085-2112
519224715	Navy Fcu, 1 Security Pl, Merrifield, VA 22081
519224720	Seventh Avenue, 652 8th St, Monroe, WI 53566-1066
519224722	State of NJ Surcharge Violation, PO Box 1502, Moorestown, NJ 08057-9704
519224721	State of New Jersey Attorney General, Division of Law, Trenton, NJ 08625
519224723	United States Attorney General, Ben Franklin Station, PO Box 683, Washington, DC 20044-0683
519224724	Usaa Federal Savings Bank, Attn: Bankruptcy, 9800 Fredericksburg Rd, San Antonio, TX 78288-0001
519224725	Usaa Fsb, PO Box 47504, San Antonio, TX 78201
519224728	+ Weltman, Weinberg & Reis Co., LPA, 170 S Independence Mall W Ste 874W, Philadelphia, PA 19106-3334

TOTAL: 19

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	Email/Text: usanj.njbankr@usdoj.gov	Nov 03 2021 20:23:00	U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+ Email/Text: ustprejion03.ne.ecf@usdoj.gov	Nov 03 2021 20:23:00	United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
519224699	Email/Text: BankruptcyNotices@aafes.com	Nov 03 2021 20:23:00	Army Airforce Exchange, 3911 S Walton Walker Blvd, Dallas, TX 75236-1509
519224700	Email/Text: BankruptcyNotices@aafes.com	Nov 03 2021 20:23:00	Army Airforce Exchange, PO Box 650410, Dallas, TX 75265-0410
519224701	Email/PDF: AIS.cocard.ebn@aisinfo.com	Nov 03 2021 20:38:33	Capital One, Attn: Bankruptcy, PO Box 30285, Salt Lake City, UT 84130-0285
519224702	Email/PDF: AIS.cocard.ebn@aisinfo.com	Nov 03 2021 20:38:28	Capital One Bank USA N, PO Box 31293, Salt Lake City, UT 84131-0293
519224703	Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Nov 03 2021 20:23:00	Comenity Capital Bank / SMPL, PO Box 182120, Columbus, OH 43218-2120
519224704	Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	Nov 03 2021 20:23:00	Comenity Bank / Victoria Secret, PO Box 182789, Columbus, OH 43218-2789
519224706	Email/PDF: creditonebknotifications@resurgent.com	Nov 03 2021 20:38:23	Credit One Bank, Attn: Bankruptcy Department,

District/off: 0312-1

User: admin

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Date Rcvd: Nov 03, 2021

Form ID: pdf901

Total Noticed: 40

519224707	Email/PDF: creditonebknotifications@resurgent.com	Nov 03 2021 20:38:23	PO Box 98873, Las Vegas, NV 89193-8873 Credit One Bank NA, PO Box 98872, Las Vegas, NV 89193-8872
519224708	Email/Text: sbse.cio.bnc.mail@irs.gov	Nov 03 2021 20:23:00	Internal Reveune Service, PO Box 7346, Philadelphia, PA 19101-7346
519261751	Email/Text: JCAP_BNC_Notices@jcap.com	Nov 03 2021 20:23:00	Jefferson Capital Systems LLC, PO Box 7999, Saint Cloud MN 56302-9617
519232710	Email/PDF: resurgentbknotifications@resurgent.com	Nov 03 2021 20:38:24	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
519229043	+ Email/Text: ext_ebn_inbox@navyfederal.org	Nov 03 2021 20:23:00	Navy Federal Credit Union, P.O. Box 3000, Merrifield, VA 22119-3000
519224716	Email/Text: ext_ebn_inbox@navyfederal.org	Nov 03 2021 20:23:00	Navy Federal Cu, Attn: Bankruptcy, PO Box 3000, Merrifield, VA 22119-3000
519224718	Email/PDF: RACBANKRUPTCY@BBANDT.COM	Nov 03 2021 20:38:35	Regional Acceptance Co, 1424 E Fire Tower Rd, Greenville, NC 27858-4105
519224719	+ Email/PDF: RACBANKRUPTCY@BBANDT.COM	Nov 03 2021 20:38:35	Regional Acceptance Company, Attn: Bankruptcy, PO Box 1487, Wilson, NC 27894-1487
519229702	Email/PDF: RACBANKRUPTCY@BBANDT.COM	Nov 03 2021 20:38:35	Regional Acceptance Corporation, PO Box 1847, Wilson, NC 27894-1847
519268369	+ Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Nov 03 2021 20:38:30	Verizon, by American InfoSource as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
519224727	Email/Text: wfmelectronicbankruptcynotifications@verizonwireless.com	Nov 03 2021 20:23:00	Verizon, Verizon Wireless Bk Admin, 500 Technology Dr Ste 550, Saint Charles, MO 63304-2225
519224726	Email/Text: wfmelectronicbankruptcynotifications@verizonwireless.com	Nov 03 2021 20:23:00	Verizon, 500 Technology Dr, Weldon Spring, MO 63304-2225

TOTAL: 21

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 05, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 26, 2021 at the address(es) listed below:

Name	Email Address
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Brian C. Nicholas

District/off: 0312-1

User: admin

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Date Rcvd: Nov 03, 2021

Form ID: pdf901

Total Noticed: 40

on behalf of Creditor MIDFIRST BANK bnicholas@kmlawgroup.com bkgroup@kmlawgroup.com

Denise E. Carlon

on behalf of Creditor MIDFIRST BANK dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com

Isabel C. Balboa

ecfmail@standingtrustee.com summarymail@standingtrustee.com

Rebecca Ann Solarz

on behalf of Creditor MIDFIRST BANK rsolarz@kmlawgroup.com

Ronald E. Norman

on behalf of Debtor Joanne C. Fillius rnorman@rnormanlaw.com
ekonecsny@rnormanlaw.com;dgordon@rnormanlaw.com;g14985@notify.cincompass.com;ronaldenorman@icloud.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6